

REMARKS

Claims 33-52 are pending. Claims 1-32 are currently canceled. Claims 39-52 have been withdrawn from consideration. Reconsideration of the application is requested.

§ 112 Rejections

Claims 33-38 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In support of this rejection, the Office Action states:

It is unclear from the claim language what the structure of the release liner is supposed to be. The language states that there is not a structural support layer, goes on to define the term structural support layer, but also claims that there is release material bonded to the surface of the paper. How can a layer be bonded to the paper when it isn't supposed to be there?

In answer to the question posed in the Office Action, the release material bonded to the structured release surface of the paper is not a "structural support layer". Claim 33 expressly recites that the "release material does not form a structural support layer". Therefore, claim 33 never recites that the claimed "structured paper release liner" comprises a structural support layer. Claim 33 expressly defines the meaning of the term "structural support layer" in an effort to clarify what does and does not constitute a release material. There are known structural support layers that exhibit release properties. By excluding all "structural support layers" (as defined), the recited term "release material" no longer reads on structural support layers which, by themselves, exhibit release properties.

If the Examiner believes that expressly defining the term "structural support layer" in claim 33 is confusing, Applicants are willing to delete this definition from the claims in order to overcome this § 112 rejection. The term "structural support layer" is expressly defined in the present specification, as well as in claim 33. Either way, it is submitted that this § 112 rejection of claims 33-38 has been overcome and should be withdrawn.

§ 102 Rejections

Claims 33-38 are rejected under 35 USC § 102(b) as being anticipated by WO 00/69985 ('985). In support of this rejection, the Office Action cites to the following passage on page 13, lines 12-23 in the '985 reference:

The use of a release liner or backing is one method suitable for forming the microstructured adhesive of the present invention. The release liner can be advantageously made of various materials. Preferred materials which the microstructured liner may include, but are not limited to plastics such as polyethylene, polypropylene, polyesters, cellulose acetate, polyvinylchloride, and polyvinylidene fluoride, as well as paper or other substrates coated or laminated with such plastics. These embossable coated papers or thermoplastic films are often siliconized or otherwise treated to impart improved release characteristics. The thickness of the release liner can vary widely according to the desired effect. Furthermore, it is possible to afford structures to the release liner by using various techniques, such as those disclosed in U.S. Patent No. 5,650,215 (Mazurek), herein incorporated by reference in its entirety. (Emphasis Added)

In particular, the Office Action states that page 13, lines 12-19 of the '985 reference discloses "a piece of paper comprising fibers and having a release side free of a structural support layer". It is respectfully submitted that the '985 disclosure does not support this statement.

As indicated by the claims, the '985 invention is directed to an adhesive-backed article comprising a compliant film and a pressure sensitive adhesive (psa) bonded to the lower surface of the film, where the psa has recited characteristics including channels defining exit pathways that provide a fluid egress to a periphery of the article. The '985 invention is not directed to an inventive release liner. Therefore, the '985 reference only discloses conventional release liners that have a release surface in the form of a pattern used to form fluid egress channels in a bonding surface of a pressure sensitive adhesive (e.g., see the release liner 26 in Fig. 1 and the channels 34 in Fig. 2A). It should be noted that the only release liners depicted in the '985 drawings have a unitary construction (i.e., no coatings or other layers are illustrated in the drawings).

As indicated by the underlined text from the above passage cited in the Office Action, the '985 reference expressly discloses the use of release liners formed by a paper substrate that is coated or laminated with a plastic, where the plastic can have an optional release treatment such as by being coated with a silicone material (i.e., "siliconized"). While the '985 reference does not expressly state that the plastic coating or laminated to the paper substrate is a "structural support

layer”, the ‘985 reference does indicate that the plastic portion of the liner and the release material of the liner are separate elements. This position is supported by the statement in the Office Action that page 13, lines 12-23 of the ‘985 reference discloses a “structural support layer”. Only the coated or laminated plastic could be characterized as a “structural support layer”. A review of the prior art also reveals that the only paper release liners used to form a pattern of fluid egress channels in a pressure sensitive adhesive are those that comprise a paper substrate coated or laminated with a plastic “structural support layer”.

By failing to identify where the ‘985 reference discloses, teaches or suggests a paper release liner (used to form a pattern of fluid egress channels in a pressure sensitive adhesive) comprising a paper substrate that is not coated or laminated with a “structural support layer”, the ‘985 reference cannot be said to disclose, teach or suggest each and every feature recited in the rejected claims 33-38. Therefore, the Office Action has failed to establish a prima facie case that claims 33-38 are anticipated by the ‘985 reference. Accordingly, the rejection of claims 33-38 under 35 USC § 102(b) as being anticipated by the ‘985 reference has been overcome and should be withdrawn.

In addition, regarding the rejection of claim 36, the Office Action states:

Regarding claim 36, the paper further comprises a support material on said back side of said paper (Page 13, lines 14 - 16).

However, page 13, lines 14-16 of the ‘985 reference only discloses:

The release liner can be advantageously made of various materials. Preferred materials which the microstructured liner may include, but are not limited to plastics such as ...”

Therefore, the ‘985 reference actually provides no disclosure, teaching or suggestion for the paper to further comprise to comprise a support material on the back side of the paper, as recited in claim 36. Accordingly, the Office Action has also failed to establish a prima facie case that claim 36 is anticipated by the ‘985 reference.

Request for Rejoinder

In view of the arguments presented above and the fact that claims 39-52 are dependent upon claim 33, Applicants respectfully request rejoinder of withdrawn claims 39-52.

In view of the above, it is submitted that the application is in condition for allowance.
Examination and reconsideration of the application is requested.

Respectfully submitted,

1/13/10
Date

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